

# EXHIBIT F

**Brenner, Wendy**

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**From:** Anna Levine [alevine@dralegal.org]  
**Sent:** Monday, June 14, 2010 10:31 AM  
**To:** Brenner, Wendy  
**Subject:** RE: Enyart Preliminary Injunction Proposed Order  
**Attachments:** 057-0\_P\_Letter\_PI\_Agreement.pdf; 057-1\_P\_PO\_PI\_Agreement.pdf

Hi Wendy,

Your two further changes are fine.

Last time, our folks submitted the attached proposed order and cover letter, and also provided the court a chambers copy per the local rule. We can take care of it, again. One change to the cover letter would be that at the time we prepared the prior proposed order, I think there was some ambiguity as to the scope of the bond, which the cover letter addressed. Also, I assume that the language in the second paragraph of the cover letter about non-acquiescence/preserving the right to appeal was at NCBE's request, and leave up to you whether NCBE wishes to include it in this cover letter.

Let me know, and I'll get the documents you sent formatted as a proposed order.

Thanks,

Anna

Anna Levine, Staff Attorney  
Disability Rights Advocates  
2001 Center Street, Third Floor  
Berkeley, California 94704-1204

510 665 8644 (Tel)  
510 665 8716 (TTY)  
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-----Original Message-----

**From:** Brenner, Wendy [mailto:BRENNERWJ@cooley.com]  
**Sent:** Monday, June 14, 2010 10:01 AM  
**To:** Anna Levine  
**Subject:** RE: Enyart Preliminary Injunction Proposed Order

Hi Anna – Thanks for your mark up. Your changes were generally fine – I made two minor changes, which I suspect will not be problematic. I am happy to discuss them if you have questions.

Clean, revised draft + redline attached.

Remind me...what did we do last time? Did you guys submit the proposed order to the Court with a cover letter?

Wendy Brenner  
Cooley LLP  
3175 Hanover Street  
Palo Alto, CA 94304-1130  
Direct: (650) 843-5371 • Fax: (650) 849-7400

**From:** Anna Levine [mailto:alevine@dralegal.org]  
**Sent:** Thursday, June 10, 2010 1:47 PM  
**To:** Brenner, Wendy  
**Subject:** RE: Enyart Preliminary Injunction Proposed Order

I wanted to add one further item that I believe we should include: language regarding the supplemental bond. I have numbered the attached draft and added the following:

Plaintiff shall post an additional bond in the amount of \$5,000 to be filed with the Clerk of the Court by \_\_\_\_\_, 2010, and deposited into the registry of the Court.

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-----Original Message-----

**From:** Anna Levine  
**Sent:** Thursday, June 10, 2010 1:38 PM  
**To:** 'Brenner, Wendy'  
**Subject:** Enyart Preliminary Injunction Proposed Order

Dear Wendy,

Attached are my proposed revisions to the preliminary injunction order that you previously circulated. I made a few changes to add provisions from the June 4, 2010 minute order of the court, and to better correspond the MPRE and MBE sections.

Let me know if you have any questions. I need to leave at 3pm today, but am available by telephone before that time, as well as all day tomorrow.

Thanks,

Anna

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17 Attorneys for Plaintiffs

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA

1 STEPHANIE ENYART

Case NO. C09-05191 CRB

2 Plaintiff,

**[PROPOSED] ORDER  
FOR PRELIMINARY INJUNCTION**

3 v.

Judge: Hon. Charles R. Breyer  
Action Filed: January 15, 2010

4 NATIONAL CONFERENCE OF BAR  
5 EXAMINERS, INC., ACT, INC., AND  
6 THE STATE BAR OF CALIFORNIA,

7 Defendants.

8  
9 1. NCBE shall provide Ms. Enyart with the following accommodations on the March  
10 2010 administration of the MPRE:

- 11 (a) Double the standard time
- 12 (b) A private room
- 13 (c) One five minute break every hour
- 14 (d) A scribe to fill in the answers and
- 15 (e) The exam loaded onto a laptop computer equipped with JAWS and  
ZoomText software

16 Within two business days of this Order, NCBE shall request ACT to provide Ms.  
17 Enyart with sufficient time before the commencement of the test to attach the  
18 peripherals and customize the JAWS and ZoomText settings and NCBE shall advise  
19 the plaintiff of ACT's response or any lack thereof within five business days thereafter.

20 Additionally, NCBE shall permit Ms. Enyart to use all of the following during the  
21 examination as accommodations, all of which shall be brought to the examination by

22 Ms. Enyart:

- 23 (f) An ergonomic keyboard
- 24 (g) A trackball mouse
- 25 (h) A large monitor
- 26 (i) Her own lamp to control lighting conditions
- 27 (j) Sunglasses
- 28 (k) A yoga mat
- (l) Large print digital clock
- (m) Migraine medication

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1 The ergonomic keyboard, trackball mouse, and monitor shall be devoid of any storage  
2 devices or storage mechanisms and NCBE does not guarantee the interoperability of  
3 such devices with the computer it provides. The examination shall be administered by  
4 ACT with the above accommodations pursuant to the Stipulation Re: Voluntary  
5 Dismissal Without Prejudice of Defendant ACT, Inc. filed with the Court on November  
6 25, 2009.

7  
8 2. With respect to the February 2010 administration of the California Bar exam,  
9 NCBE shall provide the State Bar of California, Committee of Bar Examiners with the  
10 MBE loaded onto a laptop computer equipped with JAWS and ZoomText software.  
11 Decisions with respect to the administration of the examination shall rest with the State  
12 Bar of California, Committee of Bar Examiners. However, in the Stipulation Regarding  
13 Dismissal Without Prejudice of Defendant State Bar of California and Order Thereon in  
14 this Action, the State Bar of California agreed to furnish the accommodations requested  
15 by Ms. Enyart on the MBE portion of the February 2010 California bar examination if the  
16 Court in this action determined that such accommodations were required.

17  
18 IT IS HEREBY ORDERED.

19  
20 Dated \_\_\_\_\_, 2010

21  
22 \_\_\_\_\_  
23 Charles R. Breyer  
24 United States District Court Judge  
25  
26  
27  
28

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Daniel F. Goldstein  
[dfg@browngold.com](mailto:dfg@browngold.com)

February 3, 2010

Hon. Charles R. Breyer  
Judge, United States District Court  
for the Northern District of California  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: **Enyart v. Nat'l Conference of Bar Examiners**  
**C09-05191 CRB**

Dear Judge Breyer:

Attached please find proposed language for the portion of the preliminary injunction order that addresses the logistics with respect to the furnishing of the accommodations sought by Ms. Enyart. The parties have agreed on this proposed language. We are copying Magistrate Judge Chen so that he will know the parties were able to agree on this portion of the order without assistance. We assume that the portion of the order directing the Plaintiff to post bond will be addressed by the Court, but the plaintiff has begun to make the arrangements to have a check available to post to the registry of the court.

Although, at the Court's direction and pursuant to the Court's January 29, 2010 Minute Order, counsel for NCBE has met and conferred with Counsel for Ms. Enyart as to the specific terms of the injunction, NCBE does not agree to, consent to, or otherwise acquiesce in the issuance or entry of the preliminary injunction. Thus, this letter is without prejudice to any rights that the NCBE may have to appeal or otherwise challenge the Court's ruling on Ms. Enyart's motion for preliminary injunction and NCBE reserves all such rights.

Thank you for your attention to this matter.

Very truly yours,

/s/

Daniel F. Goldstein

DFG/tt

Enclosure

cc: Magistrate Judge Edward M. Chen (w/ enclosure)  
Gregory C. Tenhoff, Esquire (w/ enclosure)